

DENNIS J. HERRERA, State Bar #139669
City Attorney
WAYNE SNODGRASS, State Bar #148137
JONATHAN GIVNER, State Bar #208000
TARA M. STEELEY, State Bar #231775
Deputy City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682
Telephone: (415) 554-4655
Facsimile: (415) 554-4699
E-Mail: jon.givner@sfgov.org

Attorneys for Defendants

PILLSBURY WINTHROP SHAW PITTMAN LLP
FREDERICK K. LOWELL #66641
BRUCE A. ERICSON #76342
bruce.ericson@pillsburylaw.com
ANITA D. STEARNS MAYO #142749
MARC H. AXELBAUM #209855
marc.axelbaum@pillsburylaw.com
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880
Telephone: (415) 983-1000
Facsimile: (415) 983-1200

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COMMITTEE ON JOBS CANDIDATE
ADVOCACY FUND, et al.,

Plaintiffs,

vs.

DENNIS J. HERRERA, in his official
capacity as City Attorney of the City and
County of San Francisco, et al.

Defendants.

Case No. C07-3199 JSW

**JOINT STATUS REPORT;
[PROPOSED] ORDER**

JOINT STATUS REPORT

Pursuant to the Joint Status Report and the Order filed November 30, 2009 (Dkt. 60), Plaintiffs Committee on JOBS Candidate Advocacy Fund and Building Owners and Managers Association of San Francisco Independent Expenditure PAC (collectively, "Plaintiffs"), and Defendants Dennis J. Herrera, Kamala D. Harris, the Ethics Commission of the City and County of San Francisco, and the City and County of San Francisco (collectively, "Defendants"), jointly file this Status Report.

In this case, Plaintiffs contend that Sections 1.114(c)(1) and 1.114(c)(2) of the San Francisco Campaign Finance Reform Ordinance ("CFRO"), codified in the San Francisco Campaign and Governmental Conduct Code, and Regulation 1.114-2 of the Regulations to the CFRO, violate the First Amendment to the United States Constitution by imposing limits on contributions to political committees for the purpose of making independent expenditures. The Court granted Plaintiffs' motion for preliminary injunction on September 20, 2007 (Dkt. 37), and that order has remained in effect since then pursuant to a series of stipulated orders. At the parties' request, the Court has stayed the litigation while the Ninth Circuit Court of Appeals resolved a case presenting similar issues, *Long Beach Area Chamber of Commerce et al. v. City of Long Beach* ("Long Beach," USCA Dkt. 07-55691). In that case, the plaintiffs challenged a provision in the Long Beach Municipal Code that limits contributions to committees making independent expenditures supporting or opposing local candidates.

On April 30, 2010, the Ninth Circuit issued an opinion in *Long Beach*, -- F.3d --, 2010 WL 1729710. The court held that the Long Beach contribution limit was unconstitutional as applied to some of the plaintiffs, and held that the remaining plaintiff lacked standing to challenge the law. In light of the Ninth Circuit's decision, counsel for Plaintiffs and Defendants have agreed to consult their clients to discuss potential settlement of this matter. Counsel anticipate that they will have those discussions in the coming days. Counsel have agreed that a six-week extension of the current stay will allow them sufficient time to explore the option of settlement.

1 For that reason, the parties agree that it would be most efficient and would best preserve the
2 interests of judicial economy to continue the current stay. Subject to agreement by this Court, the
3 parties agree that, by June 25, 2010, they will meet and confer to discuss how best to proceed with
4 this case and submit a joint status report or request for a case management conference. The parties
5 agree that no case management conference is necessary at this time.

6
7 Dated: May 12, 2010

8 DENNIS J. HERRERA
9 City Attorney
10 WAYNE SNODGRASS
11 JONATHAN GIVNER
12 TARA M. STEELEY
13 Deputy City Attorneys

14 By: /s/ Jonathan Givner
15 JONATHAN GIVNER
16 Attorneys for Defendants

17 Dated: May 12, 2010

18 PILLSBURY WINTHROP SHAW PITTMAN LLP
19 FREDERICK K. LOWELL
20 BRUCE A. ERICSON
21 ANITA D. STERNS MAYO
22 MARC H. AXELBAUM

23 *By: /s/ Bruce A. Ericson
24 BRUCE A. ERICSON
25 Attorneys for Plaintiffs

26
27 *Pursuant to GO 45, the electronic signatory has
28 obtained approval from this signatory.

~~**[PROPOSED]**~~ ORDER

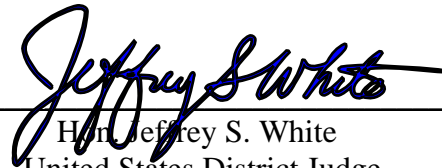
Pursuant to the agreement of the parties set forth in the foregoing Joint Status Report, and good cause appearing, IT IS HEREBY ORDERED that:

1. Unless otherwise ordered by the Court, the Order Granting Plaintiffs' Motion for Preliminary Injunction (Dkt. 37) and the Stipulation and Order Staying Litigation entered by the Court on October 26, 2007 (Dkt. 51) shall remain in effect.

2. By June 25, 2010, the parties shall meet and confer and submit a joint status report or request for a case management conference.

IT IS SO ORDERED.

Dated: May 13, 2010


Hon. Jeffrey S. White
United States District Judge